

THE
PETITION
OF RIGHT:

Exhibited to his

MAJESTIE,

By the Lords and Commons assembled in ^{England} Parliament,
concerning divers Rights, and the Liberties of
the Subject;

With his Majesties severall Answers to them.

Also his Majesties Declaration upon the same.

Likewise,

His Majesties Commission of Aray for Leicester Shire, written by the
King in Latine, and translated for the knowledge of the
Common-wealth.

With the Votes of both Houses of Parliament concerning the same.

John Browne Cler. Parliamentum.

Together how Sir Henry Hastings and others had repulse, and were arrested by a
Sergeant at Armes in the execution of the said Commission.



Printed at London for George Lindesay, and are to bee sold by John Gyles at his
Shop in Holborne neere Davids Inne. 1647. June 28.

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With the Petition of the same.

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And the Petition of the same
concerning the Liberties of the Subject
written by the
Petitioners and presented to the House of Commons
in the Year 1628.

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Printed in London by I. B. and are to be sold by
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in the Year 1628.

The Petition of Rights,

Exhibited to his Majestie, by the Lords Spirituall and Temporall,
and Commons in Parliament assembled, &c.

To the Kings most Excellent Maiestie.



Umblly shew unto Our Sovereigne Lord the KING, the Lords Spirituall, and Temporall Commons in Parliament assembled, That whereas it is declared and enacted by a Statute made in the time of the Reigne of King *Edward* the first, commonly called *Statutum de Tallagio non concedendo*, That no Tallage or Ayde shall be laid or lewyed by the King or his Heires in this Realme, without the good will and assent of the Archbishops, Bishops, Earles, Barons, Knights, Burgeses, and other the Freemen of the Commonalty of this Realme. And by Authority of Parliament holden in the five and twentieth yeare of the Raigne of King *Edward* the third, it is declared and enacted, That from hence forth no person should bee compelled to make any Loanes to the King against his will, because such Loanes were against reason, and the Franchise of the Land. And by other Lawes of this Realme it is provided, that none should be charged by any charge or Imposition, called a Benevolence, nor by such like charge, by which the Statutes before mentioned, and other the good Lawes and Statutes of this Realme, your Subjects have inherited this Freedome; That they should not be compelled to contribute to any Taxe, Tallage, Ayde, or other like Charge, not set by common consent in Parliament.

Yet neverthelesse of late, divers Commissions directed to sundry Commissioners in severall Counties with instructions, have issued; by meanes whereof your people have been in divers places assembled, and required to lend certaine summes of mony unto your Majesty, and of them upon their refusal so to do, have had an Oath administered unto them, not warrantable by the Lawes or Statutes of this Realme, and have been constrained to become bound to make appearance, and give attendance before your Privie Councell and in other places; and others of them have been therefore Imprisoned, confined, and sundery other waies molested and disquieted. And divers other charges have been levyed upon your people in severall Counties, by Lord Lieutenants, Deputie-Lieutenants, Commissioners for Musters, Justices of Peace, and others by Command of or Direction from your Majestie, or your Privie Councell against the Lawes and free Customes of the Realme.

And where also by the Statute called *The great Charter of the Liberties of England*, It is declared and enacted, That no Freeman may be taken or imprisoned, or be disseised of his Freehold, or Liberties, or his free Customes, or be outlawed, or exiled, or in any manner destroyed, but by the lawfull Judgement of his Peeres, or by the law of the Land.

And in the eight and twentieth yeare of the reigne of King *Edward* the third, it was declared, and enacted by authority of Parliament, that no man of what estate and condition that he be, should be put out of his Land or Tenements, nor taken, nor imprisoned, nor disherited, or put to death without being brought to answer by due Procelle of Law.

Nevertheless against the tenure of the said Statutes, and other the good Lawes and Statutes of your Realme, to that end provided, divers of your Subjects have of late been imprisoned without any cause shewed: And when for their deliverance they were brought before you Justices by your Majesties Writs of *Habea Corpus*, there to undergo and receive as the Court should order, and their keepers commanded to certifye the causes of their detainer, no cause was certified, but that they were detained by your Majesties speciall command, signified by the Lords of your Privie Councell, and yet were returned back to severall prisons without being charged with any thing to which they might make answer according to Law.

And whereas of late, great Companies of Souldiers and Marriners, have beene dispersed into divers Counties of the Realme, and the inhabitants, against their wills, have been compelled to receive them into their houses, and there to suffer them to sojourne against the Laws and Customs of this Realme, and to the great grievance and vexation of the people.

And whereas also by authority of Parliament, in the five and twentieth yeare of the Raigne of King *Edward* the third; it is declared and enacted that no man should be forejudged of life or limbe against the forme of the *Great Charter* and the Law of the Land; And by the sayd *Great Charter*, and other the Lawes and Statutes of this your Realme, no man ought to be adjudged to death, but by the Lawes established in this your Realme, either by the Customs of the same Realme, or by Acts of Parliament. And whereas no offender, of what kind soever, is excepted from the proceedings to be used, and punishments to be inflicted by the Laws and Statutes of this your Realme: Nevertheless, of late time divers Commissions under your Majesties great Seale have issued forth, by which certaine persons have beene assigned and appointed Commissioners with power and authority to proceed within the Land, according to the Justice of Martiall Law, against such souldiers or Marriners, or other dissolute persons joyning with them, as should commit any murther, robbery, felony, mutiny, or other outrage, or misbehaviour whatsoever, and by such summary course and order, as is agreeable to Martiall Law, and as is used in Armies in time of Warre, to proceed to the tryall and condemnation of such offenders, and them to cause to be executed and be put to death according to the Law Martiall.

By pretext whereof some of your Majesties Subjects have beene by some of the said Commissioners put to death, when and where, if by the Lawes and Statutes of the Land they had deserved death by the same Lawes and Statutes also they might, and by no other ought to have beene judged and executed.

And also sundry grievous offenders by colour thereof, claiming an exemption, have escaped the punishments due to them by the Laws and Statutes of this your Realme, by reason that divers of your Officers and Ministers of Justice have unjustly refused or forborne to proceed against such offenders, according to the same Lawes and Statutes, upon pretence that the said offenders were punishable onely by Martiall Law, and by authority of such Commissioners as aforesaid: Which Commissioners and all other of like nature are wholly and directly contrary to the said Lawes and Statutes of this your Realme.

They do therefore humbly pray your most Excellent Majesty, that no man hereafter be compelled to make or yeeld any Gift or Loane, Benevolence, Taxe or such like Charge, without common consent by Act of Parliament. And that none be called to make answer, or to take such Oath, or to give attendance, or be confined, or otherwise molested, or disquieted concerning the same, or for refusal thereof. And that no Freeman in any such manner as is before mentioned, be imprisoned or detained. And that your Majesty would be pleased to remove the said Souldiers and Marriners, and that your people may not be so burthened in time to come. And that the foresaid Commissioners for proceeding by Martiall Law may be revoked, and annulled: And that hereafter no Commissions of like nature may issue forth to any person or persons whatsoever, to be executed, as aforesaid, lest by colour of them any of your Majesties Subjects be destroyed or put to death, contrary to the Lawes and Franchise of the Land.

All which they most humbly pray, of your most Excellent Majesty, and their Rights and Liberties, according to the Laws and Statutes of this Realme: And that your Majesty would also vouchsafe to declare the Awards, doings and proceedings, to the prejudice of your people, in any of the premisises, shall not be drawne hereafter into consequence of example: And that your Majesty would be also graciously pleased, for the further comfort and safety of your people, to declare your Royall will and pleasure, that in the things aforesaid, all your Officers and Ministers shal serve you according to the Laws and Statutes of this Realm, as they tender the honour of your Majestie, and the prosperity of this Kingdome.

Which Petition being read, the Kings answer was thus delivered unto it.

THe King willeth, that Right be done according to the Lawes and Customes of this Realme: And that the Statutes be put in due execution, that his subjects may have no cause to complaine of any wrong, or oppositions, contrary to their just rights and liberties: To the preservation whereof, He holds himselfe in conscience as well obliged, as of His Prerogative.

But this answer not giving satisfaction, the King was againe petitioned unto, that he would give a full and satisfactory answer to their Petition in full Parliament.

Whereupon the King in Person made this second answer.

My Lords and Gentlemen,

THe answer I have already given you, was made with so good deliberation, and approved by the judgements of so many wise men, that I could not have imagined, but that it should have given you full satisfaction, but to avoid all ambiguous interpretations, & to shew you that there is no doublenesse in my meaning, I am willing to please you in words, as well as in substance. Read your Petition, and you shall have an answer that I am sure will please you.

And then causing the Petition to be distinctly read by the Clerke of the Crowne, the Clerke of the Parliament read the Kings answer thereto in these words.

Soit droit fait come est desire, Let right be done as is desired.

Which being done, the King in Person said thus.

THIS I am sure is full, yet no more then I granted you in my first answer, for the meaning of that was, to confirme all your Liberties, knowing according to your owne protestations, that you neither meane, nor can hurt my Prerogative: And I assure you my Maxime is, That the peoples Liberty strengthens the Kings Prerogative, and that the Kings Prerogative is to defend the peoples Liberties.

To see now, how ready I have shewed my selfe to satisfie your demands, so that I have done my part: Wherefore if this Parliament have not a happy conclusion, the sin is yours, I am free of it.

And on the last day of the Session, His Majesties Speech to both Houses before his assent to the Bills, was this.

My Lords and Gentlemen,

IT may seeme strange that I come so suddenly to end this Session, therefore before I give my assent to the Bills, I will tell you the cause, though I must avow that I owe an account of my actions to none but God alone. It is knowne to every one, that a while agoe the House of Commons gave mee a Remonstrance, how acceptable every man may judge, and for the merit of it, I will not call that in question, for I am sure no wise man can justifie it.

can see I am certainly informed that a second Remonstrance is preparing for me to take and
myself of Tonnage and Poundage (one of the chief maintenance of the Crowne) by alleging that
have given away my rights thereof by my answer to your Petition.

This is prejudiciall unto me, that I am forced to end this Session some few hours before I meant
being willing to receive any more Remonstrances, to which I must give a harsh answer.

And since I see that even the House of Commons begins already to make false insinuations of what
I granted in your Petition, lest it be otherwise interpreted in the Country, I will now make a new Decla-
ration concerning the true intent thereof.

The profession of both Houses in the time of hammering this Petition, was no wayes to trench upon my
Prerogative, saying, They had neither intention nor power to hurt it.

Therefore it must needs be conceived, that I have granted no new, but only confirmed the ancient
Liberties of my Subjects; yet to shew the clearenesse of my intentions, that I neither repent nor mean
to recede from anything I have promised you, I do here declare, that those things which have beene
done, whereby men had some cause to suspect the Liberty of the Subjects to be trencht upon (which in-
deed was the first and true ground of the Petition) shall not hereafter be drawne into example for your
prejudice: And in time to come (in the words of a King) you shall not have the like cause to complain.

But as for Tonnage and Poundage, it is a thing I cannot want, and was never intended by you to
aske, never meant (I am sure) by me to grant.

To conclude, I command you all that are here to take notice what I have spoken at this time, to be
the true intent and meaning of what I granted you in your Petition. But especially you my Lords
the Judges, for to you onely under me belongs the interpretation of Lawes for none of the House of Par-
liament, jointly or separate (what new doctrine soever may be raised) have any power either to make
or declare a Law without my consent.

His Majesties Commission of Array for Leicestershire.



Charles by the grace of God, King of England, Scotland, France & Ire-
land, Defender of the Faith, &c. To our deare and well-beloved, Henry
Earle of Huntington, and William Earle of Devon, and to our loving
and faithfull Henry Hastings, Knight, sonne to the said Earle of Hun-
tington, Henry Berkeley, George Villers, Thomas Burton, Baronets; Henry
Skipwith, John Skeffington and Richard Halford, Knights and Baronets;
Wolstan Dixey, Richard Roberts, John Bale, Thomas Hartop, Erasmus
la Fontaine, and William Jones Knights; Henry Hastings of Humberston
George Astby, and John Pate, Squires, and to our Sheriffe of the

County of Leicester for the time during, health and greetings. These are to let you know
that We, if the malice of our enemies should presume to invaade our Kingdome of England
(which be farre absent) are willing by the Divine grace favouring Us to resist, and to dispo-
and order the same for the safety and defence of our Selfe and of our Kingdome aforesaid, and
of our Liege people: We have assigned you, or any three of you, or more, to array and ex-
ercise all and singular men of Arms, or men armed, and Archers remaining in the County
aforesaid, within the liberty and without, to cause all those to be armed, who are able of body
and fit to be armed, who are of sufficient ability to arme themselves, viz. whosoever of them
according to his state and faculty, both to affide and contribute, according to the advisement
and discretion of you, or any three or more of you: and also to straine and command all them
who are able in land or goods, and impotent by reason of the weaknesse of their bodies,
labour to finde according to the quantity of his Lands and goods, as he may beare it rati-
nably (his state being secure) to be armed: Men of Armes, and men armed either with Bow

of Arrowes, so that they shall not delay, or cause to be delayed at his owne house in his owne Countrey, in defence of the said Kingdome, against our enemies, if danger should happen, but for their delay they endanger not the Kingdome. And to the said men of Armes, or armed men and Archers so arrayed and furnished continually in their arrayment as in an hundred thousand, or other-wise, as it shall be held necessary and convenient; but wee doe assigne you, or any three or more of you, of whom we intend you *Henry Earle of Huntington* aforesaid; and in your absence, you *William Earle of Devon*, or you *Henry Hastings* aforesaid, senne to the said Earle of Huntington, should be one to command and enioyne these men of Armes, or men armed, and Archers so arrayed and habilited, as well at the Sea coasts, as in any other places, where, and as often as it shall be necessary to expell, beat back and destroy our enemies from time to time, when any danger shall appeare. We assigne also you, and any three or more of you, to muster, or cause those men of Armes, men armed, and Archers from time to time, as often as need shall require, diligently to be done and supervised. And also to proclaime, order, and diligently examine, that all and singular of these men of Armes, men armed, or Archers, to bee armed with their owne, and no other Armes, upon punishment of losing them: those onely excepted, who ought to be armed at the expences of others, as is aforesaid, and to arrest and take all and singular, whom you shall finde contrary and rebellious in this case, and to commit them to our prison, and to remaine in the same, till they bee freed by the Law. Therefore Wee command and enioyne you more strictly, that Wee may by the oath and allegation whereby Wee are bound, that these Presents being seene, that you may be more securely arrayed and prepared before you at certaine dayes and places, which shall seeme more competent and expedient, and lesse hurtfull to our people, that all men staying in your Countrey, by whom the Arayment and Ammunition may be better performed, come and be called, and those to be arrayed, armed and habilited, & those so arrayed & habilited in this arrayment, be equipped: and that you cause the signes to be set up called *Beacons*, in the accustomed places, by which the Countrey may be fore-armed, and fore-warned of the coming of our enemies, in congruent times. And that you cause those men so arrayed & habilited, when danger shall be feared, to march out in defence of the King and Countrey, from time to time, as well at the Sea-coast, as in any other places, when it shall be more necessary, or that any 3. or more of you, whereof we intend that you, *Henry Earle of Huntington*, and in your absence *William Earle of Devon*, or you *Henry Hastings*, son to the aforesaid Earle of Huntington, shall be one that shall command them to march out, as is aforesaid, so that for the defect of the defence, arayment, or marching out of the said men of Armes, or by your negligence the losse in the Countrey be not caused by our enemies in any manner: But wee doe grant to all and singular Earles, Barons, Knights, Maiors, Bailiffes, Constables, Ministers, and other faithfull and liege Earles aforesaid (as well within the liberty as without) firmly by the tenour of these presents, in command that they be intendant, counselling, and helping & assisting you, or either of you, in the execution of the foresaid premises. And that you cause that all those in the Counties foresaid, doe meet before you, or before any three or more of you, at certaine dayes and places, which you, or any three or more of you, as aforesaid, shall ordaine most convenient, by whom the arayment, assession, and ordination may be the better executed, and those to whom it shall happen to be taken and arrested for rebellion, to be kept in prison, as is aforesaid. In testimony whereof we have made these our Letters Patents. Witness our Selfe the eleventh day of June, in the eighteenth yere of Our reigne.

By the King,

Willis

Resolved upon the Question by the Lords and Commons assembled in Parliament
That this Commission of Array for Leicester is against Law and the liberty and property of the Subject.

Die Luna 20 Iunii. 1642.

Resolved upon the Question, &c.

That all those that are Actors in the putting of the Commission of Array in execution shall be esteemed as disturbers of the peace of the Kingdome, and betrayers of the liberty of the Subject.

Ordere that this Commission of Array and the aforesaid Votes be forthwith printed and published through the Kingdome.

Ioh. Brown Cler. Parliamentorum.

The Commission of Aray put in Execution.

HIS Majesty having sent this Commission of Aray unto the above-named which was not with little acceptance received by Sir Henry Hastings, Son to the Earle of Huntington, Mr. Hafford of Wiltoe, &c. by reason the Lord Ruthin, and Sir Arthur Haffelridge, contrary to their desire and expectation prevailed with the County, and were chosen Knights of the Shire, and were thily preferred in their behalfe to consult with the high and honourable assembly of Parliament. And therefore with all alacrity endeavour with all their power to oppose the obedient endeavours to the Parliament's command of the Lord Ruthin and Sir Arthur Haffelridge, &c.

On Wednesday, the 22. of this present June in the afternoone, the fore-named Henry Hastings, with others, came to Leicester with a great number of attendants, who sided with them, to put their Commission of Aray in execution, thereby to nullifie what the other already performed, and to imprison those that should not assit them in this designe, or to side with the other: so that great commotions began to rise: for this hostile number suddenly coming upon them, made the inhabitants feare, they came to surprise the Towne. Lord Ruthin and Sir Arthur Haffelridge giving their personall attendance in the fore-named and had with their owne hands and others stuck upon posts in the market place, & other places, orders from the trusty & honourable House of Parliament, which the said Henry Hastings with their company, pulled off, & vilified with opprobrious words. At which the Towne took it very heynously, and said, It was a high affront, and great indignity to the Parliament.

And although the Lord Ruthin and Sir Arthur Haffelridge, were not present at that instant of time, when these great disasters were like to befall, yet the wisdom of the Parliament had provided (that if whom they had appointed Lieutenants for that County, should have any opposition) a Sergeant at Armes, who was there present, and did in the Kings name and in the name of the high Court of Parliament, arrest the said Henry Hastings and others, and would have their bodies put into safe custody.

This sudden act perswaded their mindes to desist, as was thought by the changing of colour: and now began the Townesmen to bestire themselves, to have the Sergeant at Armes his Prisoners forth-comming.

But by reason of the multitude of the one, and the paucity of the other, after much strife for the space of two houres, at length got the Prisoners mounted on Horse-backe, and once rode all away together.

FINIS.